ENVIRONMENTAL COMMITMENTS

The determination that project implementation will not have a significant impact on the environment is predicated on a number of commitments made to protect the environment. The following discussion indicates when the commitment should be implemented and who in WisDOT would have jurisdiction to assure fulfillment for each commitment.

A. General Economics None required.

B. Community & Residential WisDOT will prepare a Corridor Management Plan for Madison to address concerns of aesthetics and corridor maintenance. At the request of other communities, WisDOT will work with local residents and officials to develop similar corridor management plans. Pedestrian bridges over the rail corridor are proposed in the City of Waterloo at Monroe Street and Waterloo Malt Company. The Office of the Commissioner of Railroads must approve changes and closures to existing crossings and addition of new crossings. The WisDOT design engineer will be responsible for developing the corridor management plans and securing new pedestrian bridges over the rail corridor.

C. Commercial & Industrial None required.

D. Agriculture Alternate access will be provided for those farm owners whose existing grade crossings are closed. WisDOT would negotiate with affected property owners if any closures require compensation for loss of access. The WisDOT design engineer and real estate staff will be responsible for working with affected property owners. The WisDOT design engineer will coordinate with local drainage districts to establish line and grade of drainage ditches in their districts.

E. Environmental Justice None required.

F. Wetlands Mitigation for impacts will occur at a wetland bank. Pending continued coordination with the Wisconsin Department of Natural Resources (WDNR) and the U.S. Army Corps of Engineers (USACE), mitigation is proposed on-site or at a WisDOT Statewide Wetland Bank site. The mitigation ratio will be determined as outlined by the Wisconsin Department of Transportation Wetland Mitigation Technical Guideline, March 2002. All work in the waters or wetlands of the United States will require joint WDNR and USACE review and Section 404 permitting prior to construction. All permits obtained shall be on-site during construction. WisDOT will be responsible for completing mitigation coordination with the WDNR and obtaining the Section 404 permit. The WisDOT construction engineer will be responsible for maintaining the permit on-site during construction.

G. Streams & Floodplains WisDOT will coordinate with the WDNR and appropriate wardens to identify where special provisions for navigational buoys will be required. Bridge clearance to ordinary high water shall meet navigational clearance needs of the local warden. The contract special provisions will note that the contractor will be required to complete and obtain a WDNR Waterway Marker Application and Permit for all identified stream crossings. Where required, navigational safety and access will be maintained during construction operations. Work restrictions may be required to accommodate local special events.

The WisDOT design engineer will coordinate with WDNR to identify in special provisions where work in specific waterways will require contractors to follow equipment cleaning requirements prescribed by WDNR to avoid the introduction exotic plant and animal species. Contract construction specifications will outline methods to monitor and control the incidental spread of invasive species such as, but not limited to, loosestrife, zebra mussels, and garlic mustard.

The WisDOT design engineer will coordinate with WDNR regarding the presence of contaminants in uplands and sediments at Menomonee River crossings in Milwaukee.

Construction at some stream crossings may be limited to specific times of year to avoid impacts to protected species:

- Inlet to Pewaukee Lake – No bridge work should occur in this area between March 1 and May 1.
- Menomonee River – Winter construction preferred.
- Crawfish River – Complete work between June 15 and September 15.
- Yahara River - Complete work between June 15 and September 15.
- Other minor stream crossing's work restrictions will be determined as the result of further coordination with WDNR.

As required by WDNR, new structures in general will be designed so as not to increase backwater by more than 0.01 foot. Should a structure need to increase backwater, coordination with the riparian owners, the counties, the Milwaukee Metropolitan Sewerage District and WDNR is required and will be completed by the WisDOT design engineer. Abandoned piles will also be removed or cut off as recommended by WDNR. The WisDOT design engineer will coordinate with WDNR on hydraulic analyses and special provisions. The WisDOT construction engineer will be responsible for overseeing implementing special provisions.

H. Lakes or Other Open Water None required.

I. Upland Habitat Mitigation for impacts during construction will include timing of construction activities to limit disturbance during critical times of the year. Continued coordination with WDNR during final design and construction would identify specific construction site requirements to avoid sensitive habitat. WisDOT's native seed mixtures will be included in contract special provisions to restore specific prairie remnants disturbed during construction.

Openings in the wire fence may be considered for wildlife passage where public safety is not jeopardized. Also, a breach in the former railbed under land bridges will be considered in specific areas for wildlife passage. Ongoing coordination with the WDNR and U.S. Fish and Wildlife Service will consider options to provide wildlife crossings in project plans, specifications and estimates. Modifications could include raising the bottom of fences, or providing larger wire openings.

WisDOT will re-inspect bridges prior to construction to determine if swallows are nesting on structures. If swallows are nesting on structures, WisDOT will implement the following avoidance measures:

- During the year of construction, unoccupied nests will be removed during non-nesting season and barrier netting installed prior to May 15, or
- Construction activities will occur only between August 20 and May 15.

- If neither option is possible, then the contractor will notify WisDOT. WisDOT may have to obtain a depredation permit from the USFWS.

Silt fence shall be properly installed in selected areas prior to May 20 of the construction year to protect turtles from construction operations. This commitment shall be included in the contract special provisions.

WisDOT will be responsible for coordinating specific provisions in final design plans. The WisDOT construction engineer will be responsible for implementing specifications.

Continued coordination with the WDNR and the USACE will direct the appropriate timing and construction techniques to protect sensitive species and minimize impacts in specific areas of disturbance. WisDOT and WDNR will determine specific additional surveys that will be required during final design. Recommendations resulting from these surveys will be included in the contract special provisions for protection or mitigation of species and sensitive habitat areas such as, but not limited to, the "Martin Fen", "Martin's Low Prairie" and "Hartland Railroad Prairie." WisDOT will provide a field biologist to oversee construction activities to assure that all environmental commitments of this document are implemented. WisDOT will be responsible for overseeing commitments to minimize sensitive habitat disturbance during construction.

J. Erosion Control Turbidity barriers, cofferdams and similar devices will be used to localize and minimize disturbance. Large box culverts would be placed such that the bottoms are one foot below the streambed to allow for partial reestablishment of the streambed. As requested by the WDNR, the following commitments are added to avoid and minimize impacts to streams and water quality prior to and during construction:

- Evaluate stream bank areas to determine if stabilization measures (i.e. riprap) will be needed.
- Locate equipment and stockpiled materials outside of flood-prone areas. Temporary storage of fill material or waste should avoid all waterway beds or areas below the ordinary high water mark.
- An Erosion Control Plan and Erosion Control Implementation Plan will be reviewed by the WDNR and approved by WisDOT during design development and prior to the start of construction. Best management practices for activities such as the removal of bridge piling, river sediments, abutments, and turbidity barriers will be included in the ECP, project special provisions and the ECIP.

The WisDOT design engineer will be responsible for incorporating these requirements in construction specifications. The WisDOT construction engineer will be responsible for overseeing implementing specifications.

K. Storm Water management None required.

L. Air Quality The project is exempt from permit requirements per Wisconsin Administrative Code – Chapter NR 411 criteria.

M. **Construction Stage Sound Quality** To reduce the potential impact of Construction Noise, the special provisions for this project will require that motorized equipment shall be operated in compliance with all applicable local, state and federal laws and regulations relating to noise levels permissible within and adjacent to the project construction site. At a minimum, the special

provisions will require that motorized construction equipment shall not be operated in exceedance with local noise ordinances without prior written approval of the project engineer. All motorized construction equipment will be required to have mufflers constructed in accordance with the equipment manufacturer's specifications or a system of equivalent noise reducing capacity. It will also be required that mufflers and exhaust systems be maintained in good working order, free from leaks or holes.

N. Noise and Vibration Noise abatement options would include specifying trainset design to minimize noise levels, train wheel maintenance, installing continuous welded rail, reducing train speed and implementing noise abatement measures. Additional analysis will be completed in affected areas once trainsets are selected and more detailed engineering is available. WisDOT will work with local communities to consider mitigation for noise impacts where FRA noise abatement criteria are exceeded due to new service.

Vibration impacts will be further investigated during final design. If impacts exceed FRA criteria for mitigation, track improvements will include measures such as resilient tie pads and resilient fasteners to avoid or minimize vibration impacts. The WisDOT design engineer will be responsible for completing noise and vibration analysis and finalizing mitigation commitments with local communities.

O. Section 4(f)and 6(f) None required.

P. Historic Resources Proposed station sites in Brookfield, Oconomowoc and the Monona Terrace Station (One West Wilson Street) are historic or potentially historic buildings. Local communities responsible for developing stations would need to coordinate station designs with the Wisconsin Historical Society to avoid adverse effects (See Appendix B-6). The local communities are responsible for station design and development, but WisDOT would fund design and construction of the station platform, a basic station structure and limited parking. Funds for station development would be obtained from a new federal program that would fund entire project implementation. WisDOT would be responsible for overseeing local communities to maintain this commitment. It should be noted that while the EA evaluated initial station locations, local communities may choose an alternate station site when the project is implemented. Alternate station sites would be subject to a NEPA review. If local communities select the station site identified in the EA, then the EA would be re-evaluated for those sites. WisDOT would be responsible for overseeing the status of NEPA review for local stations.

Q. Archaeological Resources In the event that deeply buried archeological or paleontological deposits are encountered during construction, specific procedures will be followed. These include halting construction activity and notifying the Compliance Section of the Historic Preservation Division of the Wisconsin Historical Society. If human remains are encountered, immediate consultation will be required with the Burial Sites Preservation Office of the Historic Preservation Division. The WisDOT construction engineer will be responsible for coordinating with the WHS.

R. Hazardous Substances or UST's During construction, any encountered materials presenting environmental risk would be handled according to construction specifications. Provisions for an environmental consultant will be included in construction contract specifications for this project. Results of further coordination between Canadian Pacific Railway, Wisconsin and Southern Railroad and WisDOT will be included in the project special provisions. The WisDOT construction engineer will be responsible for overseeing proper handling of contaminated materials.

S. Aesthetics The Corridor Management Plan noted under Section B will address aesthetic issues in the corridor. In sensitive community areas, views to and from the rail corridor have been considered. Items such as decorative corridor fencing will be considered during consultation with local residents and officials. As appropriate, WisDOT will coordinate field reviews with WDNR to identify areas where landowners and local government should be notified that large tree or branch removal is required. The WisDOT design engineer will be responsible for coordinating with local communities.

T. Coastal Zone The WDNR approves project consistency with the Wisconsin Coastal Zone Management Program for the federal Coastal Zone Management Act. The WisDOT design engineer will obtain compliance through the Section 401 Water Quality Certification review.

U. Other WisDOT will contact WDNR Air Management Specialists if structures containing asbestos will be removed or rehabilitated during construction. The construction special provisions will include air quality management practices including, but not limited to, controlling fugitive dust, burning of brush and the need to obtain permits for burning any materials on the project site. The WisDOT construction engineer will be responsible for coordination.